

Application Serial No.: 10/064,741
Amendment and Response to January 24, 2006 Non-Final Office Action

REMARKS

Claims 1 through 30 are in the application, with Claims 1, 21, and 30 having been amended. Claims 1 and 30 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections

Claims 1-30 are rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,732,180 ("Hale"). Reconsideration and withdrawal of the rejections are respectfully requested.

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Claim 1

Amended independent claim 1 describes a method for protecting an item of content comprising monitoring a plurality of file sharing networks to identify at least a first file sharing network having the item of content, creating at least first and second reference files associated with the item of content, creating a plurality of decoy files, and disseminating the decoy files to the first file sharing network. The first and second reference files each have a different format. The plurality of decoy files includes a first set of decoy files created from the first reference file, and a second set of decoy files created from the second reference file. Moreover, each of the decoy files includes a defect and embedded information to distinguish the decoy files from the item of content. Claims 1-30 are rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,732,180 ("Hale"). Reconsideration and withdrawal of the rejections are respectfully requested.

The art of record is not seen to disclose or to suggest the above features of amended independent claim 1. In particular, the art of record is not seen to disclose or to suggest a decoy file that includes a defect and embedded information to distinguish the decoy files from the item of content.

Amended independent claim 1 describes a method for protecting an item of content

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Hale discloses a method to inhibit automated search engines from locating and retrieving propriety media. Hale describes manufacturing decoy media having files names, extensions and sizes matching those of propriety media files. A decoy media file is stored in a media server database with a foreign key that links the decoy file to a media protection database to denote that a decoy exists for a particular media selection. A user name database contains and tracks a list of valid user account names corresponding to each media sharing network community and a user download database tracks the history of decoy media downloads between a third party and a client user name associated with a media sharing network. Accordingly, decoy files are identified by comparing user names in the user download database to external users and through the use of foreign keys. Nowhere can Hale possibly be seen to identify a decoy file through the use of embedded information within the decoy file.

Accordingly, Hale is not seen to disclose or to suggest a decoy file that includes a defect and embedded information to distinguish the decoy files from the item of content.

The remaining art of record has been reviewed and is not seen to remedy the foregoing deficiencies in Hale. Therefore, the art of record taken in any permissible combination is not seen to disclose or to suggest a decoy file that includes a defect and embedded information to distinguish the decoy files from the item of content.

In view of the foregoing, amended independent claim 1 and its related dependent claims are believed to be in condition for allowance.

Claim 30

Amended independent claim 30 discloses a method for protecting an item of content comprising causing at least a first agent to register as a user of a file sharing network, receiving data from the first agent identifying an unauthorized copy of the item of content where the unauthorized copy has a format; creating a reference file based on the item of content in the format; identifying a plurality of defects; creating a plurality of decoy files from the reference file, and causing the first agent to disseminate the plurality of decoy files using the file sharing

In view of the foregoing, amended independent claim 1 and its related dependent claims are believed to be in condition for allowance.

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network. Moreover, each of the decoy files has an unaltered first portion of the item of content and a second portion comprising one of the plurality of defects.

The art of record is not seen to disclose or to suggest the above features of amended independent claim 30. In particular, the art of record is not seen to disclose or to suggest a decoy file having an unaltered first portion of an item of content and a second portion comprising one of a plurality of defects.

In some embodiments, a decoy file may comprise an unaltered first portion of an item of content and a second portion comprising one of a plurality of defects. Since many peer-to-peer software clients allow users to preview content, having an unaltered first portion may encourage the user to complete the download only to find out later that a defect was not identifiable based on a simple review. Some embodiments of claim 30 may discourage the user from attempting to illegally procure an item of content.

As described above, Hale describes manufacturing decoy media having file names, extensions and sizes matching those of proprietary media files. At column 8, lines 10 through 29, Hale describes the decoy files as having content including white noise, degraded versions of propriety media, warnings of the legal consequences of sharing copyrighted media, and advertisements. Nowhere can Hale possibly be seen to disclose or suggest a decoy file having both an unaltered portion and a portion comprising a defect.

Accordingly, Hale is not seen to disclose or to suggest a decoy file having an unaltered first portion of an item of content and a second portion comprising one of a plurality of defects.

The remaining art of record has been reviewed and is not seen to remedy the foregoing deficiencies in Hale. Therefore, the art of record taken in any permissible combination is not seen to disclose or to suggest a decoy file having an unaltered first portion of an item of content and a second portion comprising one of a plurality of defects.

In view of the foregoing, amended independent claim 30 is believed to be in condition for allowance.

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CONCLUSION

The outstanding Office Action presents a number of characterizations regarding the applied references, some of which are not directly addressed by this response. Applicants do not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-4981.

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Respectfully submitted,



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